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REMARKS

The current patent application has been reviewed in light of the above-identified office action. In the office action, claims 6, 11, 13-15, and 21-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (Fig. 2a in applicant's drawings, hereinafter "AAPA") in view of Almblad et al. (US 4,651,604). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Almblad as applied to claim 6, and further in view of Chen (D489,763). Entry and consideration of the above amendments and the following remarks is respectfully requested.

Claims 6, 11, 13-15, and 21-30 remain pending. Claims 6, 21, and 24-30 have been amended. Assignee has amended claims to more clearly delineate intended subject matter. The amendments to the claims are made without prejudice or disclaimer.

Claim Rejections – 35 U.S.C. § 103

Claims 6 and 13-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (AAPA), Fig. 2(a) in Applicant's drawings, in view of Almblad et al. (U.S. Pat. No. 4,651,604).

In *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007), the Supreme Court did not totally reject the use of "teaching, suggestion, or motivation" as a factor in the obviousness analysis. Rather, the Court recognized that a showing of "teaching, suggestion, or motivation" to combine the prior art to meet the claimed subject matter could provide a helpful insight in determining whether the claimed subject matter is obvious under 35 U.S.C. § 103(a). See USPTO Memo from Margaret Focarino, Deputy Commissioner for Patent Operations, May 3, 2007. The "teaching, suggestion, or motivation" test includes three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Without conceding the propriety of the rejection and solely to expedite allowance of the instant application, claim 6 been amended to clarify that the stopper does not include a handle. Claim 21 has been similarly amended. Support for the amendments is found, among other places, in Figs. 3(a)-3(c) and 4(a)-4(b) of the specification.

Almblad teaches a handle secured to a shaft by a pin. AAPA teaches an apparatus with a distinct handle (element 11 of Fig. 2(a)) on each end of the shaft. Almblad, alone or in combination with AAPA, does not teach a punching apparatus comprising "a handle member attachable to and detachable..." and "a stopper attachable to and detachable... the stopper not having a handle" ... "wherein said stopper and said handle member are capable of being exchangeably disposed at said first and said second ends of said transmitting shaft."

Accordingly, the cited documents do not disclose, teach, or suggest all of the claim limitations in amended claims 6 and 21. Withdrawal of the rejections is respectfully requested.

Claims 13-15, dependent on claim 6, and claims 22-30, directly or indirectly dependent on claim 21, are also allowable at least for the foregoing reasons. Withdrawal of the rejection of these claims is respectfully requested.

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Almblad as applied to claim 6 above, and further in view of Chen (D489,763).

Assignee traverses the rejection. Claim 11, dependent upon claim 6, is also allowable because it depends from an allowable claim and recited further distinguishing limitations.

It is noted that claimed subject matter may be patentably distinguished from the cited documents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Entry of this amendment and reconsideration of the present patent application in view of the same, and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3703.

Respectfully submitted,

Dated: June 7, 2007/Celia C. Dunham/

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